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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,312

08/24/2006

Marek Michalewicz

0090210

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9355 7590 04/16/2009

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EXAMINER

SAYADIAN, HRAYR

ART UNIT

PAPER NUMBER

2815

MAIL DATE

DELIVERY MODE

04/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,312	<b>Applicant(s)</b> MICHALEWICZ ET AL.	
	<b>Examiner</b> HRAYR A. SAYADIAN	<b>Art Unit</b> 2815	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) 4-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/26/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED OFFICE ACTION**

### **Objections to the Claims**

1. Claims 4-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only, and it cannot depend from any other multiple dependent claim. See M.P.E.P. § 608.01(n). Accordingly, claims 4-9 have not been further treated on the merits.

### **35 U.S.C. § 112 Rejections of the Claims**

2. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2 and 3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter Applicant regards as the invention.

In claim 2, "substantially parallel" is indefinite because the detailed description provides no basis to determine the scope of "substantially flat."

In claim 3, "substantially lower stiffness" is indefinite because the detailed description provides no basis to determine the scope of "substantially flat."

One of ordinary skill in the art would not know the scope of claims 2 and 3 because of the inconsistent results of determining whether and when the arrangements would be substantially parallel or of substantially lower stiffness.

### **35 U.S.C. § 102 Rejections of the Claims**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 providing the legal bases for the anticipation rejections in this Office Action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by U.S. Pat. No. 6,534,839 to "Frazier."

With respect to claim 1:

As to interpreting scope of the claims: The recitation "resilient solid state hinge means" is considered and determined not to invoke 112(6) paragraph because (1) it is not recited as "means for", and (2) it recites the structural features "resilient solid state hinge" clearly identifying in structural terms the recited element. See, M.P.E.P. § 2181I.

As to rejecting claim over the prior art:

With respect to claim 1, Frazier discloses a pair of substrates (see, for example, the front page figure, metal 3 and insulating surface 3), mounting one or more elongated electrical conductors (metals 1 and 2 of element 8), having a resilient solid state hinge (38/42), wherein the hinge permits relative parallel translation of the substrates transverse to the elongated conductors because the hinge at least allows the partial rotating motion of metal 3 around an axis going through hinge 42//38.

With respect to claim 2, FIGs. 3a,b of Frazier show metal 2 and metal 1 to be substantially parallel.

With respect to claim 3, the hinge Frazier discloses is dimensioned (see, for example, FIG. 3a-c) so that the rotating motion of metal 3 around an axis perpendicular to the page of FIG. 3 is with substantially lower stiffness than the rotating motion of metal 3 around an axis going through hinge 42/38.

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### CONCLUSION

6. A shortened statutory period for reply to this Office Action is set to expire **THREE MONTHS** from the mailing date of this Office Action. Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a).

Any inquiry concerning this communication or earlier communications from an Examiner should be directed to Examiner Hrayr A. Sayadian, at (571) 272-7779, on Monday through Friday, 7:30 am – 4:00 pm ET.

If attempts to reach Mr. Sayadian by telephone are unsuccessful, his supervisor, Supervisory Primary Examiner Kenneth Parker, can be reached at (571) 272-2298. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available only through Private PAIR. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. The Electronic Business Center (EBC) at 866-217-9197 (toll-free) may answer questions on how to access the Private PAIR system.

/HAS/

/Kenneth A Parker/

Supervisory Patent Examiner, Art Unit 2815